K

1948.

File No. Fragmentation II/48.

Legal **DEPARTMENT.**

B **BRANCH.**

Subject:

Rules and Notifications under the Bombay Prevention of Fragmentation and Consolidation of holdings Act, 1947.

File No. Fragmentation II/48

Std. Sectt. Slip 24 B a.

512-B

NOTIFICATION.

Revenue Department,

Bombay Castle, 1948.

Bombay Prevention of Fragmentation and consolidation of Holdings Act, 1947.

No. 1754-XV(a) :- In exercise of the powers conferred by sub-section (3) of section 1 of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 (Bom. LXII of 1947), the Government of Bombay is pleased to direct that the said Act (Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947) shall come into force in the whole of the province of Bombay with effect from the date of this notification.

By order of the Governor of Bombay,

V.M. Sardesai,

Secretary to Government.

-VY. 30/5.

31/5

K.S.R
31/5

Office of the R.L.A.

The draft notification at page 5 ante as slightly amended is in order.

Sd/- P.M. IAD. - 5/4

Remembrancer of Legal Affairs.

U.O. No R.D.,No. 3384, dated the 5th April 1948.

Submitted for signature

GM - 5/4/48

P.A. Id/- 5/4.

Issued

C.S.P.- 5/4

EVI. 30/5.

Office of the R.L.A.

A revised draft notification is sent herewith.

2. Revised draft rule 4. Section 37(2)2 (c) of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947, Bom. LXII of 1947), contemplates rules for prescribing the village records in which fragments should be entered under section 6(1). The draft rule merely gives the form in which the entries should be made. The Department may consider whether the proposed rule should not indicate the village records in which the entries should be made.

3. R.D. draft rule 5. It has been split up into revised draft rules 5 and 6 and subsequent draft rules have been renumberred.

4. R.D. draft rule 8/ Revised draft rule 9. By a rule under section 37(2)(h) it will not be possible to confer on the Consolidation Officer the powers conferred on the Collector by the last paragraph of section 202 of the Bombay Land Revenue Code, 1879. The draft rule has therefore been recast, incorporating therein such provisions of section 202 of the Land Revenue Code as can be held to be covered by section 37(2)(h).

5. R.D. draft rule 11/Revised draft rule 12. The two Forms have been put at the end of the rules.

6. R.D. draft rule 15/ Revised draft rule 16. The first sentence in the R.D. draft sub-rule (2) provides that no permission to transfer a holding or a part thereof shall be given by the Collector, if such transfer is, in the opinion of the Collector prejudicial to the public interests. Such a provision which would give a wide discretion to the Collector

P.T.O.

NOTIFICATION.

REVENUE DEPARTMENT.

Bombay Castle, April 1948.

Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947.

No. 7888/45 - In exercise of the powers conferred by section 3 of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 (Bom. LXII of 1947), the Government of Bombay is pleased to specify each village in 'local area' Colum 2 of the Schedule annexed hereto as in for the purposes of the said Act.-

SCHEDULE.

Serial No.	District	Taluka or Mahal	Village
1	2	3	4.
1.	Ahmedabad	Dholka	1. Adroda 2. Chhabesar 3 Buldana
2.	- Do -	- do -	1. Nanodra 2. Vasna-Nanodra 3. Metal 4. Nawala 5. Sokod 6. Kasarandi 7. Deo-Dholera
3.	- do -	- do -	1. Dumali 2. Kanetar 3. Sial 4. Dewadthal 5. Durgi 6. Kami
4.	- do -	Sanand Mahal	1. Jhamp 2. Upardal 3. Vanalia 4. Amdali
5.	Surat	Mandvi	1. Dadalvad 2. Nagama 3. Kalibel 4. Moritha 5. Salaia 6. Gantoli 7. Dodadha 8. Kamrichandi 9. Kharoda 10. Kalamkuva

cannot be regarded as a condition of transfer under section 31(a) and is of doubtful validity. It has not therefore been incorporated in the revised draft.

7. R.D. draft rule 17. This rule is vague and not in order. Rules and Standing Orders of the Land Record Department are not well known or understood. In any case they have no statutory recognition. The rule has, therefore, been deleted.

8. R.D. draft rule 19. The directions to be prescribed under section 37(2)(r) should be in the rules. The proposed rule is vague and not covered by section 37(2)(r). It has therefore been deleted.

9. R.D.draft rule 20. Please see remarks on R.D. draft rule 8. The draft rule is not intra vires and has therefore been deleted.

Sd/- P.M.LAD, 19/4

Remembrancer of Legal Affairs.

U.R. to R.D. No. 3794, dated the 19th April 1948.

Issued

C.S.P.- 19/4.

Submitted for approval and Signature.

Id/- 17/4/48

D.S. S.M.P.- 19/4

EVY. 30/5.

Office of the R.L.A.

A revised draft notification is sent herewith.

2. Revised draft rule 4. Section 37(2)2 (c) of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947, Bom. LXII of 1947), contemplates rules for prescribing the village records in which fragments should be entered under section 6(1). The draft rule merely gives the form in which the entries should be made. The Department may consider whether the proposed rule should not indicate the village records in which the entries should be made.

3. R.D. draft rule 5. It has been split up into revised draft rules 5 and 6 and subsequent draft rules have been renumberred.

4. R.D. draft rule 8/ Revised draft rule 9. By a rule under section 37(2)(h) it will not be possible to confer on the Consolidation Officer the powers conferred on the Collector by the last paragraph of section 202 of the Bombay Land Revenue Code, 1879. The draft rule has therefore been recast, incorporating therein such provisions of section 202 of the Land Revenue Code as can be held to be covered by section 37(2)(h).

5. R.D. draft rule 11/Revised draft rule 12. The two Forms have been put at the end of the rules.

6. R.D. draft rule 15/ Revised draft rule 16. The first sentence in the R.D. draft sub-rule (2) provides that no permission to transfer a holding or part thereof shall be given by the Collector, if such transfer is, in the opinion of the Collector prejudicial to the public interests. Such a provision which would give a wide discretion to the Collect-

P.T.O.

1.	2.	3.	4.
			10. Mahemadi
			11. Sathvav
			12. Beddha
			13. Kakdapur
			14. Tarsada Khurd
6.	Surat	Mandvi	1. Belethi
			2. Luvarwad
			3. Limdha
			4. Dougndh
			5. Isar
			Sankhenpur
			6. Maldha
			7. Taregar
			8. Lakhmidham
			9. Dudhavada
			10. Tiplavada
			11. Gangpurbarwad
			12. Mallhadi
7.	West Khandesh	Dhulia	1. Nagaon Budruk
			2. Deolhane
			3. Sarwad
			4. Dhamani
			5. Kautbal
			6. Sindwad
			7. Vishvanath
			8. Dhamane
			9. Satarne
			10. Japi
			11. Shidhane
			12. Miladi
			13. Navara
			14. Navari
			15. Vadgaon Budruk
			16. Arni
			17. Vani-malo Budruk
			18. Balapuri
			19. Varkhede
			20. Kundane
			21. Minkhedi
			22. Kapadne
			23. Mohade Pargane
			24. Nyhaled Bhagri
			25. Dangne
8.	Poona	Khatavadi	1. Saval
			2. Rui
			3. Tandulwadi
9.	- do -	- do -	1. Undavadi-Karepati
			2. Karkhel Ai
			3. Doulgaon Rasal
			4. Katphal
			5. Anjangaon
			6. Wagaj Karha
			7. Nepatwalan
			8. Daburdi
			10. Kholi Bk. Wavali

1	2	3	4
			11. Undavadi Supa
			12. Jalgaon Supa
			13. Gojubavi
			14. Shirsuphal
			15. Parsavdi
			16. Semmadi
			17. Bhatumpur
			18. Julgaon Kadepath
			19. Nimbodi har
			20. Karhati
10.	Sholapur	Karmala	1. Goygaon
			2. Vaddimbe
			3. Undargaon
			4. Vyhal
			5. Kunjargaon
			6. Sogaon
			7. Umbarda
11.	Sholapur	Karmala	1. Kotur
			2. Pornlvadi
			3. Parevadi
			4. Pendhvadi
			5. Korti
			6. Savdi
			7. Rajuri
			8. Kumbhargaon
			9. Divegavhan
			10. Hingni
			11. Delvdi
			12. Jinti
			13. Katraj
			14. Takli
			15. Khatgaon
			16. Mondarshincholi
12.	Bijapur	Bagewadi	1. Arshangi
			2. Alkalwadi
			3. Sikalwadi
13.	Bijapur	Bagewadi	1. Telgi
			2. Chiruldimni
			3. Kurburdimni
			4. Jagardimni
			5. Mattihal
			6. Kolhur
			7. Asangi Khurd
			8. Hanmapur
			9. Mantti
			10. Tadalgi
			11. Sulkhed
			12. Kanlgi
			13. Asangi Budruk
			14. Gorsangi Budruk
			15. Gorsangi Khurd

1.	2.	3.	4.
			16. Mattaldimmi
			17. Bonghil
			18. Malghan
			19. Kalgurki
			20. Malwad
			21. Hanmapur U. Gugibal
			22. Bhagwanagar
14.	Rajapur	Panvel	1. Nere
			2. Sangtoli
			3. Vaje
			4. Kharewli
			5. Vajapur
			6. Maldunge
			7. Deherang
			8. Mareda
			9. Vihigaon
			10. Tamsai
			11. Khanmi
			12. Anjiva
			13. Gadhe
			14. Dundiva
			15. Shivamsai
			16. Khanghar
			17. Vahali
			18. Ghinchevli Tarf Vaje
			19. Umroli
			20. Nidghar
15.	Ratnagiri	Ranja Mahal (villages from Rajapur taluka)	1. Bapare
			2.
16.	Ratnagiri	Ranja Mahal (villages from Rajapur taluka)	1. Ranja
			2. Dhundare
			3. Kelambe
			4. Kharvase
			5. Rami Khurd
			6. Anage
			7. Kandye tarf
			8. Pankale
			9. Vivali
			10. Kuve
			11. Kharvli
			12. Nivashi
17.	Ratnagiri	Ranja Mahal (Villages from Ratnagir taluka)	1. Kondye
18.	-do-	-do-	1. Savane
19.	-do-	-do-	1. Uple
			2. Kolthe

1	2	3	4
20.	Ratnagiri	Lanja Mahal (Villages from Ratnagiri taluka)	1. Jihapde
21.	- do -	Lanja Mahal (villages from Sangameshvar taluka)	1. Devdhe 2. Hasol 3. Wadgaon 4. Varavli 5. Bel
22.	- do -	- do -	1. Govil 2. Merle

By order of the Governor of Bombay,

Secretary to Government.

EV 30/5

Office of the R.L.A.

Subject to the following observations, a revised draft notification is sent herewith.

2. Section 3 of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947, provides that.

> "the Provincial Government may, after such inquiry as it deems fit, by notification in the Official Gazette, specify a village, mahal or taluka or any part thereof as a local area for the purposes of this Act.

It is presumed that the area consisting of villages specified in column 2(c) of the draft notification (p.119) only are intended to be notified as local areas for the purposes of the Act and that the talukas specified in column 2(b) are intended to identify the villages.

3. The reasons for specifying survey Group in column 2(d) of the notification are stated to be (vide p. 7) "that standard areas should be notified for each class of lands in each survey group and that therefore the survey groups will have to be notified as local areas" Government is at liberty to select villages for the purpose of notifying them as local areas on the ground that all the lands therein belong to a particular group. But it would not be in order to specify such groups in the notification as such groups have no well defined areas. The last column has therefore been deleted.

Sd/- S.B.P.

for Remembrancer of Legal Affairs.

U.R. to R.D., No. 3662, dated the 13th April 1948.

Submitted for signature

Sd/- 12/4

P.A. Id/- 12/4

EVY. 30/5.

NOTIFICATION,

Revenue Department,

Bombay Castle, April 1948.

Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947.

No. —. In exercise of the powers conferred by section 3 of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947, (Bom. LXXI of 1947), the Government of Bombay is pleased to specify the area of the village or of the group of villages specified in column 4 of the Schedule annexed hereto as a local area for the purposes of the said Act.

SCHEDULE

(Here insert as on pp. 129-135 as amended)

By order of the Governor of Bomba

Secretary to Governments.

MVI. 30/5.

Local Department.

A revised draft notification is sent herewith.

J.R.D.
Sd/- ~~D.V.P. Pillai~~, 23/7

Additional Secretary to Government

U.O. to S.D. No. 6956, dated the 23rd July 1940.

Submitted for signature.

Sd. - 23.7.40

P.A. M.L.P. - 23/7

Addl. Secy.

Read

Sd/-

KVK. 30/7.

NOTIFICATION

Revenue Department,

Bombay Castle, July 1948.

Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947.

No. :- In exercise of the powers conferred by section 5 of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 194 (Bom. LXII of 1947), the Government of Bombay is pleased to amend Government Notification in the Revenue Department, No. 7525/45, dated the 19th April 1948, as follows, namely:-

In column 4 of the Schedule annexed to the said notification:-

(i) against serial No. 16,

(a) for the words "Kandye tarf Lonje" the words "Kondye tarf Lonje" shall be substituted,

(b) after the entry "12 Nivedni" a new entry "13, Manjal" shall be added,

(ii) against serial No. 17, for the words "Kandye" the words "Kate" shall be substituted;

(iii) against serial No. 21, the entry "5, Bel" shall be deleted.

By order of the Governor of Bombay

Secretary to Government.

Local Department.

Subject to the following observations, a revised draft notification in place of the notification at page 253 ante, is sent herewith.

2. As section 4(2) of the Act requires that objections shall be invited, it is necessary to recast the local areas as specified in G.M., R.D., No. 7523/45, dated the 19th April 1945, in the proposed notification, even though thereby the notification would become lengthy as observed by R.D. in para 2 of its note.

3. As provided in sub-section (2) of section 4 of the Act the minimum area has to be notified not only in the Official Gazette but also in such other manner as may be prescribed. R.D. should publish the notification in the manner, if any, laid down in the Rules. It also appears from sub-section (2) of section 5 of the Act that the notification has to be published in the villages concerned. The 3 months' period for receiving objections runs from the date of the publication of the notification under sub-section (2) of section 4 in the villages concerned. No period for receiving objections has therefore been specified in the notification. Government may draw the attention of the Tahsildars to section 5 of the Act and may instruct them to bring this provision to the notice of villagers concerned.

4. Since the Government Notification, R.D. No. 7523/45, dated the 19th April 1945, is being amended as proposed in the linked file, R.D. should in any case see that the names of the local areas are shown correctly, especially as one village has been added to the local area and one other village has been excluded therefrom.

Sd/- D.V.VYAS,
Additional Secretary to Government.

EVI. 20/5. H.M. to R.D. No. 4057, dated the 22nd July 1945.

NOTIFICATION.

Revenue Department,
Bombay Castle, July 1948.

Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947.

No. ... In exercise of the powers conferred by sub-section (2) of section 4 of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 (Bom. LXII of 1947), the Government of Bombay is pleased —

(i) to publish the area specified in column 1 of the Schedule annexed hereto as the minimum area which the Government of Bombay has provisionally settled under sub-section (1) of the said section 4, for the class of land specified in column 2 thereof in the local area or areas specified in column 3 thereof, as the case may be, and

(ii) to invite objections thereto, which shall be forwarded to the Secretary to Government, Revenue Department.

SCHEDULE.

Minimum area. 1	Class of land. 2	Local area or areas. District	Taluka or Mahal. 3	Villages.
A. G. 2. 0	Dry crop.	Ahmednagar	Akola.	Here insert the villages in Akola Taluka.
0 20	Rice	— do —	Sangamner	
		— do —	Rahuri	Here insert the villages in Rahuri taluka.

and so on

By order of the Governor of Bombay

Secretary to Gov

EVT. 80/5.

NOTIFICATION.

Revenue Department,

Bombay Castle, October 1948.

Bombay Prevention of Fragmentation and Consolidation of Holding Act, 1947.

No. 5069/45-I :- In exercise of the powers conferred by sub-section (2) of section 4 of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 (Bom. LXII of 1947), the Government of Bombay is pleased to amend Government Notification in the Revenue Department, No. 5069/45-I, dated 23rd July 1948, as follows, namely:-

In the Schedule to the said notification, for the figures "0 5" in column 6 against the entries at serial Nos. 5 and 6 the figures the figures "0 20" shall be substituted.

By order of the Governor of Bombay

Secretary to Government.

KVT. 30/5.

Local Government.

A revised draft notification is sent herewith.

J.R.O.
~~S4/- S.V. VIAS.~~ 13/10

Additional Secretary to Government.

U.O. No. to R.D., No. 9634, dated the 15th October 1948.

Submitted for signature.

V.S.S.- 12/XC.

ADC, Secy.

EVI- 20/XC.

Revenue Department.

Bombay Castle, 1948.

Bombay Prevention of Fragmentation and Consolidation of Holding Act, 1947.

No. — In exercise of the powers conferred by section 15 of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 (Bom. LXII of 1947), the Government of Bombay is pleased to declare its intention to make a scheme for the consolidation of holdings in the villages specified in column 4 of the Schedule annexed hereto.

SCHEDULE

(Here insert A at pp. 7-10 ante).

By order of the Governor of Bombay,

Secretary to the Government.

LV 50/6

Legal Department.

A revised draft notification is sent herewith.

J.R.D.
Sd/- ~~S.V. VKA3~~. 29/11

Additional Secretary to Government.

U. R. to R.D., No. 11283, dated the 30th November 1948.

Submitted for signature.

Id/- 29/11/48.

A.D.C.S. (L) S.D.P. - 29/11

Addl. Secy.

Issued

C.S.P.
30/11.

EVI. 30/5.

NOTIFICATION.

Revenue Department,

Bombay Castle, 1948.

Bombay Prevention of Fragmentation and Holdings Act, 1947.

No. ,— In exercise of the powers conferred by section 3 of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947, (Bom. LXII of 1947), the Government of Bombay is pleased to specify the area comprised in the Taluka or Mahal specified in column 3 of the Schedule annexed hereto as a local area for the purposes of the said Act.

SCHEDULE.

Serial No. 1.	District 2	Taluka or Mahal. 3	
1.	Ahmedabad	City Mahal.	
2	- do -	Dascroi.	
3	- do -	Prantij.	
4	- do -	Modasa.	
5	- do -	Sanand. *	Excluding the area of the villages of the Sanand taluka specified as a local area under Government Notification Revenue Department, No. 7523/45, dated the 19th April 48
6	- do -	Viramgam.	
7	- do -	Dholka. *	Excluding the area of the villages of the Dholka taluka specified as a local area under the said notification.
8	- do -	Dhandhuka.	
9.	- do -	Gogha.	

By Order of the Governor of Bombay,

Secretary to Government.

KVK. 30/8.

Revenue Department,

Bombay Castle, 1948.

Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947.

No. :- In exercise of the powers conferred by sub-section (2) of section 4 of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 (Bom. LXII of 1947), the Government of Bombay is pleased -

(i) to publish the area specified in column 3 of the Schedule annexed hereto as the minimum area which the Government of Bombay has provisionally settled under sub-section (i) of the said section 4, for the class of land specified in column 2 thereof, and

(ii) to invite objections thereto, which shall be forwarded to the Secretary to Government, Revenue Department.

SCHEDULE.

Local area or areas			class of land	minimum area	
S. No.	District	Taluka or Mahal.			
1			2	3	
				As.	Gs.
1.	Kaira	Mahmedabad			
2.	- do -	Matar.			
3.	-do-	Nadiad.	Dry crop	2	0
4.	-do-	Kapadvanj			
5.	-do-	Thasra.	Kyari	0	20
6.	-do-	Anand			
7.	-do-	Borsad.			

By order of the Governor of Bombay,

Secretary to Government.

EV. 30/6.

NOTIFICATION

Revenue Department

Bombay Castle, 1968.

Bombay Prevention of Fragmentation and Consolidation of Holding Act, 1947

No. :- In exercise of the powers conferred by sub-section (3) of section 5 of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 (Bom LXII of 1947), the Government of Bombay is pleased to give public notice of the standard area specified in column 3 of the Schedule annexed hereto, which the Government of Bombay has determined under sub-section (1) of the said section 5, for the class of land specified in column 2 thereof in the local area or areas specified in column 1 of the said Schedule.

SCHEDULE.

Local Area or areas.			Class of land	standard area.	
District	Taluka or Villages. Mahal.				
1			2	3	
				A.	G.
Ahmedabad	Dholka	(here specify the names of villages).	Dry crop	2	0
	canand		Rice	0	20
			Garden	0	20

By order of the Governor of Bombay,

Secretary to Government.

RVT. 30/5.

Legal Department.

The draft notifications at pages 497 to 539 under the section 3 of the Bombay Prevention and Consolidation of Holdings Act, 1947, as amended, are in order.

2. The draft notifications at pages 545-571 under section 4(2) of the said Act, as amended, are in order.

3. The draft notifications at pages 575-599 under section 5 (3) of the said Act, as amended, are in order.

4. The Revenue Department is requested to consider whether the notifications under each of the sections 3, 4 (2) and 5 (3) may not be consolidated into ~~xx~~ one under each of the said Sections.

J.R.D. 1/12

~~Sd/- P.V. Vias,~~

Additional Secretary to Government.

U. O. to R.D., No. 11375, dated the 2nd December 1948.

Issued

C.S.P. - 2/12

Submitted for signature.

P.M. - 30/11/48

A.D. C.S. (L) S.D.P. 3/12/48

Addl. Secy.

EVY. 30/5.